

## **Invitation for Public Comment: Amendments to COMAR 10.19.04 – Prohibition of Smoking in Indoor Areas Open to the Public**

The Maryland Department of Health is seeking comments on a proposal to amend COMAR 10.19.04 - Prohibition of Smoking in Indoor Areas Open to the Public. The purpose of this proposal is to clarify that the tobacco retailer exemption to the Clean Indoor Air Act applies only to businesses in which the sale of non-tobacco products and accessories is less than 25 percent of total sales.

In the proposed revisions (below), text in [brackets] indicates a deletion while text in *italics* indicates an insertion. The full current regulation text can be viewed on the COMAR website at [http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=10.19.04.\\*](http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=10.19.04.*).

The Department invites you to send any comments to [PHPA.OSS@maryland.gov](mailto:PHPA.OSS@maryland.gov) with the subject line “CIAA Proposal Comment” by September 25<sup>th</sup>.

### **10.19.04 Prohibition of Smoking in Indoor Areas Open to the Public**

*10.19.04.03 (May 25, 2017)*

#### **.03 Exclusions.**

This chapter does not apply to:

A.—C. (text unchanged)

D. A retail tobacco business that is a sole proprietorship, limited liability company, corporation, partnership, or other enterprise, in which:

(1) (text unchanged)

(2) The sale of *all* other products is [incidental] *less than 25 percent of total sales as measured by average daily receipt totals for the preceding tax year;*

E.—F. (text unchanged)